

2013 DRAFTING REQUEST

Bill

Received: **9/17/2012** Received By: **pkahler**
 Wanted: **As time permits** Same as LRB:
 For: **Administration-Budget 6-2288** By/Representing: **Major**
 May Contact: Drafter: **pkahler**
 Subject: **Public Assistance - misc** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **Fern.Knepp@legis.wisconsin.gov**

Pre Topic:

DOA:.....Major, BB0194 -

Topic:

Creating the Transform Milwaukee Jobs program

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 9/20/2012	scalvin 9/21/2012		_____			
/P1	pkahler 10/17/2012		jfrantze 9/21/2012	_____	lparisi 9/21/2012		State
/1	pkahler 11/15/2012	scalvin 10/18/2012	rschluet 10/18/2012	_____	sbasford 10/18/2012		State
/2	pkahler	scalvin	jfrantze	_____	lparisi		State

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/3	pkahler 1/14/2013	scalvin 1/3/2013	rschluet 1/3/2013	_____ _____	sbasford 1/3/2013		State
/4		scalvin 1/14/2013	rschluet 1/14/2013	_____ _____	lparisi 1/14/2013		State

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Handwritten signature and date 1/14/13

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01/14/2013*

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FE Sent For: 13 sac 13 sac
 12/27/12 12/27/12
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FE Sent For: 1/1 sac 10/18/12 1/1 sac 10/18/12

<END>

10/18/12

Kahler, Pam

From: Malaise, Gordon
Sent: Wednesday, October 17, 2012 4:01 PM
To: Hanaman, Cathlene
Cc: Kahler, Pam
Subject: RE: Statutory Language Drafting Request - BB0194

Me neither. Pam?

From: Hanaman, Cathlene
Sent: Wednesday, October 17, 2012 3:51 PM
To: Malaise, Gordon
Subject: FW: Statutory Language Drafting Request - BB0194

These instructions mean nothing to me (draft 90), but I hope they mean something to you or at least indicate the drafter, if not you.

From: katrina.major@wisconsin.gov [<mailto:katrina.major@wisconsin.gov>]
Sent: Wednesday, October 17, 2012 3:46 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0194

Biennial Budget: 2013-15

DOA Tracking Code: BB0194

Topic: Transform Milwaukee

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

create program

DCF draft 90

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

2013 DRAFTING REQUEST

Bill

Received: 9/17/2012 Received By: pkahler
 Wanted: As time permits Companion to LRB:
 For: Children and Families 261-4349 By/Representing: Bob Nikolay
 May Contact: Drafter: pkahler
 Subject: Public Assistance - misc Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Robert.Nikolay@wisconsin.gov
 Carbon copy (CC) to: Fern.Knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Creating the Transform Milwaukee Jobs program

Instructions:

See attached

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/P1			9/21/2012		lparisi 9/21/2012		State
FE Sent For:		1 sac 10/18/12	1 sac 10/18/12				

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For:	Children and Families 261-4349	By/Representing:	Bob Nikolay
May Contact:		Drafter:	pkahler
Subject:	Public Assistance - misc	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Robert.Nikolay@wisconsin.gov**
 Carbon copy (CC) to: **Fern.Knepp@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

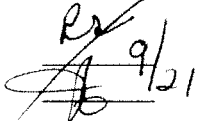
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1/?	pkahler	1/1 SAC	1/1 SAC				

FE Sent For:

<END>

**Department of Children and Families
2013-15 Biennial Budget
Statutory Language Request**

Topic: Transform Milwaukee Jobs Program

Current Language:

Under current law at s. 49.162, the Transitional Jobs program was authorized as a demonstration project that sunsets on June 30, 2013.

Proposed Change:

- ✓ 1. Create a permanent Transform Milwaukee Jobs Program for low-income adults in Milwaukee County that has provisions similar to the current statewide Transitional Jobs Demonstration Project in effect pursuant to the 2009 Act 333 amendments and the current rule under DCF 110. As with the current program, the new section should be created outside the range of ss. 49.141-49.161, generally used for Wisconsin Works. Title the section Transform Milwaukee Job Program. Provide that the department may, but is not required to, promulgate administrative rules implementing the section.
- ✓ 2. Provide that a contractor shall determine the eligibility of applicants for the program under this section, conduct orientation and provide employment services for individuals determined eligible for a job under this section as specified by the department in the contract. In addition, the contractor shall maintain or update participant demographic, eligibility, and employment records in such systems as the department may require.
- ✓ 3. Provide eligibility criteria for the program similar to those under s. 49.162(2), with some exceptions:
 - a. Be at least 18 years of age;
 - b. If over 24 years of age, be a biological parent, adoptive parent, or primary relative caregiver of a child under the age of 18;
 - c. Have an annual household income that is below 150% of the poverty line;
 - d. Be unemployed for at least 4 weeks;
 - e. Be ineligible to receive unemployment insurance benefits; and
 - f. Not be simultaneously participating in a Wisconsin Works placement.

Include language that the Department may establish other service priorities and additional eligibility criteria consistent with its mission and funding available.

- ✓ 4. Include provisions similar to those at s. 49.162(3)(am) regarding wages, hours of work and non-displacement. Allow the Department to pay a wage subsidy to any employer, including a contractor under this section. Additionally, include language that the department may reimburse the employer for its share of federal social security and medicare taxes; state and federal unemployment insurance contributions or taxes, if any; and worker's compensation insurance premiums, if any.

My definition are
even w/ language from
would you know whether or not?

? why
exempt
from rules?

- ✓ 5. Provide that an individual participating under this section is eligible for a child care subsidy under s. 49.155(1m)(a).
- ✓ 6. Create a provision that allows the Department to recover from an individual enrolled, or previously enrolled, in the program under this section any overpayment resulting from the individual's misrepresentation of his or her income or eligibility, and shall recover from a contractor under this section any overpayment resulting from failure to comply with the terms of the contract or meet performance standards established by the department.
- ✓ 7. Create an allocation under s. 49.175 (1) for the contract funding to be provided for the program from the TANF budget. Provide funding of \$3,750,000 in fiscal year 2013-14 and \$5,000,000 in fiscal year 2014-15.
- ✓ 8. Repeal s. 49.173 - Workforce Attachment and Advancement program.

Justification:

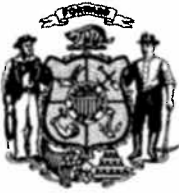
The Department of Children and Families believes that the Transitional Jobs Demonstration Project has been successful and that a subsidized employment program outside Wisconsin Works (W-2) is a useful complement to its other programs. Accordingly, the Department proposes to create a permanent program, targeted at Milwaukee County, with some similar features. Some other features were not critical for a temporary demonstration program, but become more important for a permanent program, such as child care eligibility and establishing clear authority for recovery of overpayments, since the program would be established outside these provisions in W-2.

Several of the suggested changes are adapted from the administrative rule, DCF 110, rather than the current program statute. Notably, the statute provided for the Department to pay the "wage subsidy" to "an employer." The administrative rule provided for the Department's contractor to be the "employer of record" and for the wage subsidy, including employer-paid fringe benefits, to be paid to the contractor, while sponsors of jobs were referred to as "hosts." In creating a permanent program, it seems advisable to explicitly provide for the Department to be able to use either model (paying subsidies to job hosts or the Department's contractors).

The Workforce Advancement and Attachment (WAA) program, which operated from 2000-2003, while not necessarily a subsidized employment program, had some similar features, in that it targeted persons not eligible for W-2 such as noncustodial parents, as well as others recently unemployed or formerly on W-2. Similar to the Transitional Jobs Demonstration Project, it was TANF funded and featured partnerships with Workforce Development Boards and working with employers to develop opportunities for program participants to transition to permanent unsubsidized employment. However, no funding has been allocated to the WAA program since fiscal year 2002-03 and the statute contains an obsolete funding distribution formula.

Desired Effective Dates: Upon passage

Agency Contact: Mark Mansfield
266-9475



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-00907

PJK:y:...

✓ sac ✓ m not run ✓

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(in 9-20)
agency budget draft
do not generate

1 **AN ACT**; relating to: creating a Transform Milwaukee Jobs program.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

✓
Under current law, the transitional jobs demonstration project, under which DCF pays wage subsidies to employers who employ low-income individuals in transitional jobs, will end on July 1, 2013. This bill creates a Transform Milwaukee Jobs program (TMJ program) that is very similar to the transitional jobs demonstration project. Under the TMJ program, DCF pays to a person or entity that employs a program participant a wage subsidy that is equal to the wage the person or entity pays the participant, up to 40 hours per week at minimum wage. The person or entity must employ the participant at least 20 hours per week and pay at least minimum wage. An individual may participate in the program for a maximum of 1,040 hours, which is equivalent to 26 40-hour weeks. In addition to paying the wage subsidy, DCF may reimburse a person or entity who employs a program participant for certain taxes, unemployment contributions or taxes, and worker's compensation insurance premiums that are attributable to the participant.

To be eligible to participate in the TMJ program, an individual must be at least 18 years old, and, if over 24 years old, must be the parent or primary relative caregiver of a child under the age of 18. The individual must have household income below 150 percent of the poverty line, be unemployed for at least four weeks, be ineligible to receive unemployment benefits, and not be participating in a Wisconsin Works (W-2) employment position. A program participant is eligible for a child care

subsidy under Wisconsin Shares, which generally provides child care subsidies for participants in W-2.

DCF must contract with a person or entity to determine eligibility, provide job orientation and employment services, and maintain participant demographic, eligibility, and employment records. DCF may recover an overpayment from a participant that results from a misrepresentation about his or her eligibility, and must recover an overpayment from a contractor that results from a failure to comply with the contract or to meet performance standards established by DCF. For the TMJ program, the bill allocates \$3,750,000 in fiscal year 2013-14 and \$5,000,000 in fiscal year 2014-15 from federal Temporary Assistance for Needy Families (TANF) block grant program funds.

The bill also eliminates the workforce attachment and advancement program, which provided funding to W-2 agencies and local workforce development boards for providing certain job-related services to individuals eligible for TANF. The workforce attachment and advancement program has not received TANF funding or operated since 2003.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 SECTION 1. 49.155 (1m) (intro.) of the statutes is amended to read:
- 2 49.155 (1m) ELIGIBILITY. (intro.) Except as provided in s. 49.155 (3g), the
- 3 department shall contract with a county department or agency to determine the
- 4 eligibility of individuals residing in a particular geographic region or who are
- 5 members of a particular Indian tribal unit for child care subsidies under this section.
- 6 Under this section, an individual may receive a subsidy for child care for a child who
- 7 has not attained the age of 13 or, if the child is disabled, who has not attained the age
- 8 of 19, if the individual is participating in the Transform Milwaukee Jobs program
- 9 under s. 49.163 or if the individual meets all of the following conditions:

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

****NOTE: Is this what you intended, or did you intend that the individual (Transform Milwaukee Jobs program participant) and the individual's child would have to meet the other eligibility criteria under this subsection (s. 49.155 (1m)) to receive a child care subsidy? /

- 10 SECTION 2. 49.163 of the statutes is created to read:

1 **49.163 Transform Milwaukee Jobs program.** (1) DEFINITIONS. In this
2 section:

3 (a) “Wisconsin Works” has the meaning given in s. 49.141 (1) (p).[✓]

4 (b) “Wisconsin Works employment position” has the meaning given in s. 49.141
5 (1) (r).[✓]

6 **(2) ELIGIBILITY FOR PROGRAM.** (a) The department shall establish a Transform
7 Milwaukee Jobs program in Milwaukee County. To be eligible to participate in the
8 program, an individual must satisfy all of the following criteria:

9 1. Be at least 18 years of age.

10 2. If over 24 years of age, be a biological or adoptive parent of a child who is
11 under 18 years of age or be a relative and primary caregiver of a child who is under
12 18 years of age.

 ***NOTE: Does the individual have to be a caregiver of the child if he or she is the
parent? For example, could an individual who is the biological parent of a child but who
has had his or her parental rights to the child terminated be eligible?

13 3. Have an annual household income that is below 150 percent of the poverty
14 line.

15 4. Be unemployed for at least 4 weeks.

16 5. Be ineligible to receive unemployment insurance benefits.

17 6. Not be participating in a Wisconsin Works employment position.

18 (b) The department may establish other service priorities and additional
19 eligibility criteria consistent with its mission and the funding available.

 ***NOTE: What are “service priorities” and how do they relate to the eligibility
criteria above?

20 **(3) PROGRAM DESCRIPTION.** The program shall include all of the following
21 features and requirements:

1 (a) ~~1.~~ The department may pay a wage subsidy to any person or entity that employs
2 an individual under this section for a minimum of 20 hours per week at a location
3 in this state. The wage subsidy shall equal the amount of wages that the person or
4 entity actually pays the individual, up to 40 hours per week at the federal or state
5 minimum wage that applies to the individual.

6 (b) ~~2.~~ A person or entity that employs an individual under this section shall pay
7 the individual for hours actually worked, up to 40 hours per week, at not less than
8 the federal or state minimum wage that applies to the individual.

9 (c) ~~3.~~ An individual may participate in the program for a maximum of 1,040 hours
10 actually worked.

11 (d) ~~4.~~ The department may reimburse any person or entity that employs an
12 individual under this section for any of the following costs that are attributable to
13 the employment of the individual:

****NOTE: Does the above language work for the purpose of being able to pay or
reimburse the contractor or employer "hosts"?

14 ~~1.~~ ~~a.~~ Federal social security and Medicare taxes.

15 ~~2.~~ ~~b.~~ State and federal unemployment contributions or taxes, if any.

16 ~~3.~~ ~~c.~~ Worker's compensation insurance premiums, if any.

17 (e) ~~5.~~ The employment of an individual under this section may not do any of the
18 following:

19 ~~1.~~ ~~a.~~ Have the effect of filling a vacancy created by an employer terminating a
20 regular employee or otherwise reducing its work force for the purpose of hiring an
21 individual under this section.

22 ~~2.~~ ~~b.~~ Fill a position when any other person is on layoff or strike from the same or
23 a substantially equivalent job within the same organizational unit.

3. ~~e~~ Fill a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organizational unit.

(4) CONTRACT FOR ADMINISTRATION. The department shall contract with a person or entity to do all of the following:

(a) Determine the eligibility of applicants for the program.

(b) Conduct job orientation activities.

(c) Provide employment services, as specified by the department, for program participants.

(d) Maintain and update participant demographic, eligibility, and employment records in the manner required by the department.

(5) RECOVERY OF OVERPAYMENTS. (a) The department may recover from any individual participating, or who has participated, in the program under this section any overpayment resulting from a misrepresentation by the individual as to any criterion for eligibility under sub. (2) (a).

(b) The department shall recover from a person or entity with which the department contracts under sub. (4) any overpayment resulting from the failure of the person or entity to comply with the terms of the contract or to meet performance standards established by the department.

SECTION 3. 49.173^x of the statutes is repealed.

SECTION 4. 49.175 (1) (k) of the statutes is created to read:

49.175 (1) (k) *Transform Milwaukee Jobs program*. For contract costs under the Transform Milwaukee Jobs program under s. 49.163, \$3,750,000 in fiscal year 2013-14 and \$5,000,000 in fiscal year 2014-15.

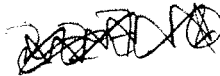
SECTION 5. 227.01 (13) (ip) of the statutes is created to read:

Insert 5-18

1 227.01 (13) (ip) Relates to the Transform Milwaukee Jobs program under s.
2 49.163, except that the department of children and families may, at the department's
3 option, use the procedures under subch. II to establish regulations, standards, or
4 policies related to the implementation and administration of that program.

5

(END)



2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0090/?ins
PJK:.....

(already
added)

NOT REQUIRED

INSERT 5-18

- 1 **(6) RULES** Notwithstanding s. 227.10 (1), the department need not promulgate
- 2 regulations, standards, or policies related to implementing or administering the
- 3 program under this section as rules under ch. 227.

(END OF INSERT 5-18)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0090/BK
PJK:sac:rs&jf

Major, BBC194 - Creating the Transform Milwaukee Jobs program
~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Budget draft now

(10-17)

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1 AN ACT relating to: creating a Transform Milwaukee Jobs program.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

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5 members of a particular Indian tribal unit for child care subsidies under this section.
6 Under this section, an individual may receive a subsidy for child care for a child who
7 has not attained the age of 13 or, if the child is disabled, who has not attained the age
8 of 19, if the individual is participating in the Transform Milwaukee Jobs program
9 under s. 49.163 or if the individual meets all of the following conditions:

***NOTE: Is this what you intended, or did you intend that the individual (Transform Milwaukee Jobs program participant) and the individual's child would have to meet the other eligibility criteria under this subsection (s. 49.155 (1m)) to receive a child care subsidy?

10 **SECTION 2.** 49.163 of the statutes is created to read:

1 **49.163 Transform Milwaukee Jobs program. (1) DEFINITIONS.** In this
2 section:

3 (a) "Wisconsin Works" has the meaning given in s. 49.141 (1) (p).

4 (b) "Wisconsin Works employment position" has the meaning given in s. 49.141
5 (1) (r).

6 **(2) ELIGIBILITY FOR PROGRAM.** (a) The department shall establish a Transform
7 Milwaukee Jobs program in Milwaukee County. To be eligible to participate in the
8 program, an individual must satisfy all of the following criteria:

9 1. Be at least 18 years of age.

10 2. If over 24 years of age, be a biological or adoptive parent of a child who is
11 under 18 years of age or be a relative and primary caregiver of a child who is under
12 18 years of age.

***NOTE: Does the individual have to be a caregiver of the child if he or she is the
parent? For example, could an individual who is the biological parent of a child but who
has had his or her parental rights to the child terminated be eligible?

13 3. Have an annual household income that is below 150 percent of the poverty
14 line.

15 4. Be unemployed for at least 4 weeks.

16 5. Be ineligible to receive unemployment insurance benefits.

17 6. Not be participating in a Wisconsin Works employment position.

18 (b) The department may establish other service priorities and additional
19 eligibility criteria consistent with its mission and the funding available.

***NOTE: What are "service priorities" and how do they relate to the eligibility
criteria above?

20 **(3) PROGRAM DESCRIPTION.** The program shall include all of the following
21 features and requirements:

1 (a) The department may pay a wage subsidy to any person or entity that
2 employs an individual under this section for a minimum of 20 hours per week at a
3 location in this state. The wage subsidy shall equal the amount of wages that the
4 person or entity actually pays the individual, up to 40 hours per week at the federal
5 or state minimum wage that applies to the individual.

6 (b) A person or entity that employs an individual under this section shall pay
7 the individual for hours actually worked, up to 40 hours per week, at not less than
8 the federal or state minimum wage that applies to the individual.

9 (c) An individual may participate in the program for a maximum of 1,040 hours
10 actually worked.

11 (d) The department may reimburse any person or entity that employs an
12 individual under this section for any of the following costs that are attributable to
13 the employment of the individual:

****NOTE: Does the above language work for the purpose of being able to pay or
reimburse the contractor or employer "hosts"?

- 14 1. Federal social security and Medicare taxes.
- 15 2. State and federal unemployment contributions or taxes, if any.
- 16 3. Worker's compensation insurance premiums, if any.

17 (e) The employment of an individual under this section may not do any of the
18 following:

- 19 1. Have the effect of filling a vacancy created by an employer terminating a
20 regular employee or otherwise reducing its work force for the purpose of hiring an
21 individual under this section.
- 22 2. Fill a position when any other person is on layoff or strike from the same or
23 a substantially equivalent job within the same organizational unit.

1 3. Fill a position when any other person is engaged in a labor dispute regarding
2 the same or a substantially equivalent job within the same organizational unit.

3 **(4) CONTRACT FOR ADMINISTRATION.** The department shall contract with a person
4 or entity to do all of the following:

5 (a) Determine the eligibility of applicants for the program.

6 (b) Conduct job orientation activities.

7 (c) Provide employment services, as specified by the department, for program
8 participants.

9 (d) Maintain and update participant demographic, eligibility, and employment
10 records in the manner required by the department.

11 **(5) RECOVERY OF OVERPAYMENTS.** (a) The department may recover from any
12 individual participating, or who has participated, in the program under this section
13 any overpayment resulting from a misrepresentation by the individual as to any
14 criterion for eligibility under sub. (2) (a).

15 (b) The department shall recover from a person or entity with which the
16 department contracts under sub. (4) any overpayment resulting from the failure of
17 the person or entity to comply with the terms of the contract or to meet performance
18 standards established by the department.

19 **(6) RULES NOT REQUIRED.** Notwithstanding s. 227.10 (1), the department need
20 not promulgate regulations, standards, or policies related to implementing or
21 administering the program under this section as rules under ch. 227.

22 **SECTION 3.** 49.173 of the statutes is repealed.

23 **SECTION 4.** 49.175 (1) (k) of the statutes is created to read:

49.175 (1) (k) *Transform Milwaukee Jobs program.* For contract costs under the Transform Milwaukee Jobs program under s. 49.163, \$3,750,000 in fiscal year 2013–14 and \$5,000,000 in fiscal year 2014–15.

4 (END)

Kahler, Pam

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Thursday, November 15, 2012 12:23 PM
To: Kahler, Pam
Cc: Kraus, Jennifer - DOA
Subject: FW: 0063/1

Hi Pam,
Here's the email I was trying to send you.
Thanks,
Katie

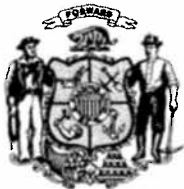
From: Major, Katrina L - DOA
Sent: Thursday, November 15, 2012 12:17 PM
To: 'pamela.kahler@legis.wisconsin.gov'
Cc: Kraus, Jennifer - DOA
Subject: 0063/1

Hi Pamela,
Can you please make a couple changes to the trial jobs draft?

- 1) Can you delete s.49.173, the Workforce Attachment and Advancement program, in this draft instead of in the Transform Milwaukee draft (0090/1).
- 2) Instead of modifying trial jobs and deleting the other three programs, can you also delete trial jobs.
- 3) Then can you create a new program called the Trial Employment Match Program (TEMP) that incorporates DCF's requested modifications to trial jobs (as they were in the draft).
- 4) Can you make all of these changes effective October 1, 2013.

Feel free to give me a call if you want to talk through this- 266-2288.

Thanks,
Katie



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0090/

PJK:sac:

rm is run

DOA:.....Major, BB0194 - Creating the Transform Milwaukee Jobs program

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

per

(in 11-15)

Do not get cat

1 **AN ACT**; relating to: creating a Transform Milwaukee Jobs program.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, the transitional jobs demonstration project, under which DCF pays wage subsidies to employers who employ low-income individuals in transitional jobs, will end on July 1, 2013. This bill creates a Transform Milwaukee Jobs program (TMJ program) that is very similar to the transitional jobs demonstration project. Under the TMJ program, DCF pays to a person or entity that employs a program participant a wage subsidy that is equal to the wage the person or entity pays the participant, up to 40 hours per week at minimum wage. The person or entity must employ the participant at least 20 hours per week and pay at least minimum wage. An individual may participate in the program for a maximum of 1,040 hours, which is equivalent to 26 40-hour weeks. In addition to paying the wage subsidy, DCF may reimburse a person or entity who employs a program participant for certain taxes, unemployment contributions or taxes, and worker's compensation insurance premiums that are attributable to the participant.

To be eligible to participate in the TMJ program, an individual must be at least 18 years old, and, if over 24 years old, must be the parent or primary relative caregiver of a child under the age of 18. The individual must have household income below 150 percent of the poverty line, be unemployed for at least four weeks, be ineligible to receive unemployment benefits, and not be participating in a Wisconsin

Works (W-2) employment position. A program participant is eligible for a child care subsidy under Wisconsin Shares, which generally provides child care subsidies for participants in W-2.

DCF must contract with a person or entity to determine eligibility, provide job orientation and employment services, and maintain participant demographic, eligibility, and employment records. DCF may recover an overpayment from a participant that results from a misrepresentation about his or her eligibility, and must recover an overpayment from a contractor that results from a failure to comply with the contract or to meet performance standards established by DCF. For the TMJ program, the bill allocates \$3,750,000 in fiscal year 2013-14 and \$5,000,000 in fiscal year 2014-15 from federal Temporary Assistance for Needy Families (TANF) block grant program funds.

The bill also eliminates the workforce attachment and advancement program, which provided funding to W-2 agencies and local workforce development boards for providing certain job-related services to individuals eligible for TANF. The workforce attachment and advancement program has not received TANF funding or operated since 2003.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.155 (1m) (intro.) of the statutes is amended to read:

2 49.155 (1**m**) **ELIGIBILITY.** (intro.) Except as provided in s. 49.155 (3g), the
3 department shall contract with a county department or agency to determine the
4 eligibility of individuals residing in a particular geographic region or who are
5 members of a particular Indian tribal unit for child care subsidies under this section.
6 Under this section, an individual may receive a subsidy for child care for a child who
7 has not attained the age of 13 or, if the child is disabled, who has not attained the age
8 of 19, if the individual is participating in the Transform Milwaukee Jobs program
9 under s. 49.163 or if the individual meets all of the following conditions:

10 **SECTION 2.** 49.163 of the statutes is created to read:

11 **49.163 Transform Milwaukee Jobs program. (1) DEFINITIONS.** In this
12 section:

1 (a) “Wisconsin Works” has the meaning given in s. 49.141 (1) (p).

2 (b) “Wisconsin Works employment position” has the meaning given in s. 49.141

3 (1) (r).

4 **(2) ELIGIBILITY FOR PROGRAM.** (a) The department shall establish a Transform
5 Milwaukee Jobs program in Milwaukee County. To be eligible to participate in the
6 program, an individual must satisfy all of the following criteria:

7 1. Be at least 18 years of age.

8 2. If over 24 years of age, be a biological or adoptive parent of a child who is
9 under 18 years of age or be a relative and primary caregiver of a child who is under
10 18 years of age.

11 3. Have an annual household income that is below 150 percent of the poverty
12 line.

13 4. Be unemployed for at least 4 weeks.

14 5. Be ineligible to receive unemployment insurance benefits.

15 6. Not be participating in a Wisconsin Works employment position.

16 (b) The department may establish other service priorities and additional
17 eligibility criteria consistent with its mission and the funding available.

18 **(3) PROGRAM DESCRIPTION.** The program shall include all of the following
19 features and requirements:

20 (a) The department may pay a wage subsidy to any person or entity that
21 employs an individual under this section for a minimum of 20 hours per week at a
22 location in this state. The wage subsidy shall equal the amount of wages that the
23 person or entity actually pays the individual, up to 40 hours per week at the federal
24 or state minimum wage that applies to the individual.

1 (b) A person or entity that employs an individual under this section shall pay
2 the individual for hours actually worked, up to 40 hours per week, at not less than
3 the federal or state minimum wage that applies to the individual.

4 (c) An individual may participate in the program for a maximum of 1,040 hours
5 actually worked.

6 (d) The department may reimburse any person or entity that employs an
7 individual under this section for any of the following costs that are attributable to
8 the employment of the individual:

- 9 1. Federal social security and Medicare taxes.
10 2. State and federal unemployment contributions or taxes, if any.
11 3. Worker's compensation insurance premiums, if any.

12 (e) The employment of an individual under this section may not do any of the
13 following:

14 1. Have the effect of filling a vacancy created by an employer terminating a
15 regular employee or otherwise reducing its work force for the purpose of hiring an
16 individual under this section.

17 2. Fill a position when any other person is on layoff or strike from the same or
18 a substantially equivalent job within the same organizational unit.

19 3. Fill a position when any other person is engaged in a labor dispute regarding
20 the same or a substantially equivalent job within the same organizational unit.

21 (4) CONTRACT FOR ADMINISTRATION. The department shall contract with a person
22 or entity to do all of the following:

23 (a) Determine the eligibility of applicants for the program.

24 (b) Conduct job orientation activities.

1 (c) Provide employment services, as specified by the department, for program
2 participants.

3 (d) Maintain and update participant demographic, eligibility, and employment
4 records in the manner required by the department.

5 (5) RECOVERY OF OVERPAYMENTS. (a) The department may recover from any
6 individual participating, or who has participated, in the program under this section
7 any overpayment resulting from a misrepresentation by the individual as to any
8 criterion for eligibility under sub. (2) (a).

9 (b) The department shall recover from a person or entity with which the
10 department contracts under sub. (4) any overpayment resulting from the failure of
11 the person or entity to comply with the terms of the contract or to meet performance
12 standards established by the department.

13 (6) RULES NOT REQUIRED. Notwithstanding s. 227.10 (1), the department need
14 not promulgate regulations, standards, or policies related to implementing or
15 administering the program under this section as rules under ch. 227.

16 SECTION 3. 49.173 of the statutes is repealed.

17 SECTION 4. 49.175 (1) (k) of the statutes is created to read:

18 49.175 (1) (k) *Transform Milwaukee Jobs program*. For contract costs under
19 the Transform Milwaukee Jobs program under s. 49.163, \$3,750,000 in fiscal year
20 2013–14 and \$5,000,000 in fiscal year 2014–15.

21 (END)

Kahler, Pam

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Wednesday, December 19, 2012 3:44 PM
To: Kahler, Pam
Cc: Kraus, Jennifer - DOA
Subject: transform milwaukee

Hi Pam,

A few thoughts on the Transform Milwaukee draft 0090:

- ✓ 1) Instead of putting the participating in the Transform Milwaukee Jobs program in the intro to 49.155(1m), can you add it to the list of activities enumerated under sub a, to be something like participate in the Transform Milwaukee Jobs Initiative under s. 49.163.
- ✓ 2) In 49.163(2)a2, can you specify that the biological or adoptive parent's rights must not have been terminated. Maybe something like be a biological or adoptive parent with parental rights to a child who is under 18 years of age...
- ✓ 3) You had noted to DCF a question of what they meant by service priorities. They suggested a provision (modified by DOA) such as the following in response:
 - a. The department may contract with any person to administer the program under this section, including Wisconsin Works agencies, counties, workforce development boards established under 29 USC 2832, and agencies created under s.49.265. The department, or the agency or agencies with which the department contracts under this section shall provide, or identify employers to provide, jobs for individuals transitioning to unsubsidized employment from unemployment, underemployment, limited work history, foster care, or other circumstances identified by the department. The department may set priorities consistent with its mission and available funding, including but not limited to, custodial and noncustodial parents and individuals preparing to leave foster care.
- ✓ 4) DCF is concerned about how income would be counted for foster care youth and suggests: The income determination for an individual preparing to leave foster care shall be based on the individual's own income for a time period determined by the department, exclusive of the foster parents' income.
- ✓ 5) Under program description sub b, can you make it "the department may reimburse an employer or contractor under this section for any of the following costs that are attributable to the employment of an individual under this program." DCF would also like something like the following: the department shall determine and specify in contracts under this section whether the contractor or another employer is the employer of record. The employer of record shall pay the individual for hours actually worked."
- ✓ 6) Under the contract for administration section, can you make it that the department may contract instead of shall contract.

Thanks,
Katie

"transition from t.c. to independent
living"
per GMM